

WHITE COUNTY BOARD MEETING  
MAY 9, 2006

A special meeting of the White County Board begun and holden this 9<sup>th</sup> day of May 2006 in the Courtroom of the White County Courthouse in the City of Carmi.

Chairman Wooten called the meeting to order at 7:00 p.m.

Clerk Dozier called the roll with Nelson, Ray, Mitchell, Trout and Wooten all present.

Chairman Wooten asked the Board if they had received copies of the minutes of the previous meeting and were there any additions, changes or deletions. Mrs. Mitchell made a motion to waive the reading of the minutes of the previous meeting and to approve the minutes of the previous meeting as proposed in writing. Motion seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Wooten asked for a motion to pay all current bills. Mr. Trout made a motion to pay all current bills, seconded by Ray.

Chairman Wooten stated that Mr. Heckler, Director of the White County Ambulance Service had submitted his report in writing to the ambulance committee and the full Board.

Sheriff Maier stated that the City/County Jail Committee had just met and he had submitted his report to the Committee and the Board in writing.

Chairman Wooten stated that the next 9-1-1 meeting would be held on Monday, May 15, 2006 at 7:00 p.m. in the Courtroom of the Courthouse.

Chairman Wooten stated that he had received a thank you note from the Grayville Senior Citizens and he passed the note around for all the members to read.

Chairman Wooten asked if there were any visitors who would like to address the Board? No visitors wished to address the Board.

Chairman Wooten stated that Ms. JoEllen Seil, Director of the White County Economic Development Group was unable to attend this evenings meeting because of the failing health of her father. Chairman Wooten stated that she wanted a consensus of the Board to expanding the Enterprise Zone to Norris City. Chairman Wooten stated that there was an existing business, which currently employs 25 individuals and they would like to expand and hire an additional 12 employees. Chairman Wooten stated that Ms. Seil would probably attend the June meeting and formally asked the Board for the extension. Chairman Wooten asked the members if they had any objections to extending the Enterprise Zone to Norris City. The consensus of the Board that any job creation in White County was good and they would have no objections to the expansion. Chairman Wooten asked that this matter be tabled until the June meeting.

Chairman Wooten stated that the City/County Jail roof was still leaking and the Sheriff should probably advertise for bid for a new roof. Chairman Wooten stated that the roof replacement was not in the current budget and that he had contacted Congressman Shimkus, Senator Jones and Forby and Representatives Reis and Phelps looking for money to assist in the replacement. Chairman Wooten stated that he was sending a letter to Representative Forby to formally request funding for the replacement of the Jail roof. He told Representative Forby that the City/County Jail was currently housing Federal prisoners and the roof was so bad that it may create health and safety issue problems with the Federal standards of housing inmates. Chairman Wooten stated that the roof would cost somewhere in the neighborhood of \$40,000.00 to \$58,000.00. Sheriff Maier stated that it would be more like \$60,000.00 to \$65,000.00 because all of the old roof will have to be removed and a whole new roof installed. Mr. Trout asked about making it into a hip roof rather than a flat roof and Sheriff Maier stated it would cost over \$100,000.00 to do that and we would also have the problems of trying to relocate the air conditioning units. Chairman Wooten asked the Sheriff if the City would be responsible for half of the replacement cost. Sheriff Maier replied that they would be responsible and he had brought the situation to their attention and they were willing to pay the share of replacement cost. Mrs. Mitchell made a motion for Sheriff Maier to advertise for bid for a new Jail roof, seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to approve the selection of election judges. Clerk Dozier stated that the Republican and Democratic Party Chairman has submitted a list of election judges for approval of the Board. The election judges will be appointed for a two-year term beginning May 2006 to May 2008. Mr. Ray made a motion to approve the election judges, seconded by Nelson. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to consider reappointment of Mr. Henry Lewis to the White County Ethics Commission for a three-year term. Mr. Nelson made a motion to reappoint Mr. Lewis to the Ethics Commission for a three-year term. Motion seconded by Ray. Motion carried 5-0 on roll call vote.

Chairman Wooten stated the next item was to consider the reappointment of Shane Pritchett to the 9-1-1 Emergency Telephone System Board for a four-year term. Mr. Trout made a motion to reappoint Shane Pritchett to the 9-1-1 Emergency Telephone System Board. Motion seconded by Nelson. Motion carried 5-0 on roll call vote.

Chairman Wooten stated that the Board needed to consider the reappointment of Greg Hanisch to the 9-1-1 Emergency Telephone System Board for a four-year term. Mrs. Mitchell made a motion to reappoint Greg Hanisch to the 9-1-1 Emergency Telephone System Board. Motion seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that Mr. Pritchett and Mr. Hanisch was both a great assets to the 9-1-1 Board because of their police and communication experience.

Chairman Wooten stated that the Illinois Department of Natural Resources in conjunction with FEMA had just audited White County for compliance with the Floodplain Ordinance. Chairman Wooten stated that White County must stay in compliance or individuals will not be able to carry flood insurance and the County Government will not be eligible for federal grant monies or disaster relief. Chairman Wooten stated that the Board should consider adoption of an updated Floodplain Ordinance. The Ordinance is as follows:

60.3 (d) for counties with delineated floodways

ORDINANCE # 05-09-06

#### AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of White County, Illinois as follows:

##### Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to this White County by County Statutory Authority in 55 Illinois Compiled Statutes 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- a. To prevent unwise developments from increasing flood or drainage hazards to others;
- b. To protect new buildings and major improvements to buildings from flood damage;
- c. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- d. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- e. To maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- f. To make federally subsidized flood insurance available.
- g. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water a quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

## Section 2. Definitions.

For the purpose of this ordinance, the following definitions are adopted:

- a. “Base Flood” The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
- b. “Base Flood Elevation” (BFE) the elevation in relation to mean sea level of the crest of the base flood.
- c. “Building” A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, **and gas or liquid storage tanks**. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days **per year**.
- d. “Critical Facility” Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.
- e. “Development” Any man-made change to real estate including, but not necessarily limited to:
  - i. **Demolition**, construction, reconstruction, **repair**, placement of a building, or any **structural alteration** to a building,
  - ii. Substantial improvement of an existing building;
  - iii. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days **per year**.
  - iv. Installation of utilities, construction of roads, bridges, culverts or similar projects;
  - v. Construction or erection of levees, dams, walls or fences;
  - vi. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
  - vii. Storage of materials including the placement of gas and liquid storage tanks; and
  - viii. Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include **routine** maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

- f. “FEMA” Federal Emergency Management Agency.
- g. “Flood” A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- h. “Flood Fringe” That portion of the floodplain outside of the regulatory floodway.
- i. “Flood Insurance Rate Map” A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
- j. “Floodplain” and “Special Flood Hazard Area (SFHA)” are synonymous. Those lands within the jurisdiction of the county that is subject to inundation by the base flood. The floodplains of the County of White are generally identified as such on the Flood Insurance Rate Map of White County prepared by the Federal Emergency

Management Agency and dated April 3, 1985. Floodplain also includes those areas of known flooding as identified by the community.

- k. “Floodproofing” Any combination of structural or nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate, property and their contents.
- l. “Floodproofing Certificate” A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.
- m. “Flood Protection Elevation” or “FPE” The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
- n. “Floodway” that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Elliott Creek, Center Tributary and North Tributary shall be as delineated on the Flood Boundary and Floodway Map prepared by FEMA and dated April 3, 1985. The floodways for each of the remaining floodplains of White County shall be according to the best data available from Federal, State, or other sources.
- o. “IDNR/OWR” Illinois Department of Natural Resources/Office of Water Resources.
- p. “Manufactured Home” A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.
- q. “NFIP” National Flood Insurance Program.
- r. “Repetitive Loss” Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- s. “SFHA” See definition of floodplain.
- t. “Substantial Damage” Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.
- u. “Substantial Improvement” Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started, “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.
- v. “Travel Trailer” (or Recreational Vehicle) A vehicle which is:
  - (i) Built on a single chassis;
  - (ii) 400 square foot or less in size;
  - (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (iv) Designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### Section 3. Base Flood Elevation.

This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party **shall** finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval **prior to any development of the site.**

- a. The base flood elevation for the floodplains of Wabash River, Little Wabash River, Elliott Creek, Center Tributary and North Tributary shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of White County prepared by the Federal Emergency Management Agency and dated October 3, 1984.
- b. The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of White County.
- c. The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the Flood Insurance Rate Map of White County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

#### Section 4. Duties of the Supervisor of Assessments.

The Supervisor of Assessments shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the County of White meet the requirements of this ordinance. Specifically, the Supervisor of Assessments shall;

- a. Process development permits in accordance with Section 5;
- b. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- c. Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or flood proof certificate;
- d. Assure that all subdivisions and annexations meet the requirements of Section 8;
- e. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- f. If a variance is required, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted;
- g. Inspect all development projects and take any and all actions outlined in Section 12 as necessary to ensure compliance with this ordinance;
- h. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- i. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- j. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- k. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and
- l. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
- m. Perform site inspections and make substantial damage determinations for structures within the floodplain.
- n. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

## Section 5. Development Permit.

No person, firm, corporation, or governmental body **not exempted by law shall** commence any development in the floodplain without first obtaining a development permit from the Supervisor of Assessments. The Supervisor of Assessments shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- a. The application for development permit shall be accompanied by;
  - i. Drawings of the site, drawn to scale showing property line dimensions;
  - ii. Existing grade elevations and all changes in grade resulting from excavation or filling;
  - iii. The location and dimensions of all buildings and additions to buildings; and
  - iv. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.
  - v. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet these requirements.
- b. Upon receipt of an application for a development permit, the Supervisor of Assessments shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Supervisor of Assessments shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

## Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within the **floodway** identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply;

- a. Except as provided in Section 6b, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
  - i. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
  - ii. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
  - iii. Minor boat docks meeting the condition of IDNR/OWR Statewide Permit No. 5;
  - iv. Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
  - v. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
  - vi. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
  - vii. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
  - viii. Accessory structures and additions to existing residential building meeting the conditions of IDNR/OWR Statewide Permit No. 10;
  - ix. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
  - x. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
  - xi. Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
  - xii. Any development determined by IDNR/OWR to be located entirely **within** a flood fringe area.
- b. Other development activities not listed in (a) may be permitted **only** if;
  - i. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

- ii. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

## Section 7. Protecting Buildings.

- a. In addition to the damage prevention requirements of Section 6, **all buildings located** in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
  - i. Construction or placement of a new building valued at more than \$ 1,000 or **70 square feet**;
  - ii. Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance;
  - iii. Repairs made to substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs, which have taken place subsequent to the adoption of this ordinance.
  - iv. Structural alterations made to an existing building that increase the floor area by more than 20%;
  - v. Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and
  - vi. Installing a travel trailer **or recreational vehicle** on a site for more than 180 days **per year**.
  - vii. Repetitive loss to an existing building as defined in Section 2q.
- b. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
  - i. The building may be constructed on permanent land fill in accordance with the following:
    - (1) The lowest floor (including basement) shall be at or above the flood protection elevation;
    - (2) The fill shall be placed in layers no greater than **six inches** before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;
    - (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
    - (4) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and
    - (5) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, storm water management techniques such as swales or basins shall be incorporated; or
  - ii. The building may be elevated in accordance with the following:
    - (1) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
    - (2) The lowest floor and all electrical, heating, ventilating, plumbing, and air condition equipment and utility meters shall be located at or above the flood protection elevation;
    - (3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.
    - (4) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
    - (5) The finished interior grade shall not be less than the finished exterior grade;
    - (6) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
    - (7) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
    - (8) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
- c. Manufactured homes to be permanently installed on site shall be:

- i. Elevated to or above the flood protection elevation; and
  - ii. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.
- d. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of section 7c. Unless the following conditions are met:
  - i. The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and
  - ii. The vehicle must not be attached to external structures such as decks and porches; and
  - iii. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
  - iv. The vehicles largest horizontal projections must be no larger than 400 square feet; and
  - v. The vehicle's wheels must remain on axles and inflated; and
  - vi. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
  - vii. Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and
  - viii. The vehicle must be licensed and titled as a recreational vehicle or park model; and
  - ix. The vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.
- e. Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:
  - i. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
  - ii. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
  - iii. Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity. Levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection.
- f. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
  - i. The garage or shed must be non-habitable; and
  - ii. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
  - iii. The garage or shed must be located outside of the floodway; and
  - iv. The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
  - v. Below the base flood elevation, the garage or shed must be build of materials not susceptible to flood damage; and
  - vi. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
  - vii. The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and
  - viii. The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and
  - ix. The structure shall be anchored to resist flotation and overturning; and
  - x. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc) shall be stored above the flood protection elevation; and
  - xi. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- g. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:



- i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- ii. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and
- iii. The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade; and
- iv. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point; and
- v. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
- vi. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
- vii. Utility systems within the crawlspace must be elevated above the flood protection elevation.

#### Section 8. Subdivision Requirements.

The White County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- a. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data.
  - i. The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
  - ii. The boundary of the floodway when applicable; and
  - iii. A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

#### Section 9. Public health and Other Standards

a. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7, the following standards apply:

- i. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood proofed and anchored storage tank and certified by a professional engineer or flood proofed building constructed according to the requirements of Section 7 of this ordinance.
- ii. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- iii. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- iv. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

- v. **Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.**

b. All other activities defined, as development shall be designed so as not to alter flood flows or increase potential flood damages.

#### Section 10. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the White County Board for a variance. The White County Board shall review the applicant's request for a variance and shall submit its recommendation to the White County Board. The White County Board may attach such conditions to granting of a variance, as it deems necessary to further the intent of this ordinance.

- a. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - i. The development activity cannot be located outside the floodplain;
  - ii. An exceptional hardship would result if the variance were not granted.
  - iii. The relief requested is the maximum necessary;
  - iv. There will be no additional threat to public health or safety, or creation of a nuisance;
  - v. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
  - vi. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
  - vii. All other required state and federal permits have been obtained.
- b. The White County Board shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 7 that would lessen the degree of protection to a building will:
  - i. Result in increased premium rates for flood insurance up to \$25.00 per \$100 of insurance coverage;
  - ii. Increase the risks to life and property; and
  - iii. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability;
- c. Variances to the building protection requirements of Section 7 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 10 (a) (i-v).

#### Section 11. Disclaimer of Liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the County of White or any officer or employee hereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully there under.

#### Section 12. Penalty

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the White County States Attorney may determine that a violation of the minimum standards of this ordinance exists. The White County States Attorney shall notify the owner in writing of such violation.

- a. If such owner fails after ten days notice to correct the violation;

- i. The White County States Attorney shall make application to the Circuit Court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with this ordinance;
  - ii. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty \$50.00 nor more than five hundred dollars \$500.00 for each offense; and
  - iii. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
  - iv. The County of White shall record a notice of violation on the title to the property.
- b. The White County States Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- c. Nothing herein shall prevent the County of White from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

### Section 13. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the White County Board to fulfill the requirements of the National Flood Insurance Program including; January 10, 1990. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### Section 14. Separability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

### Section 15. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Passed by the White County Board of the County of White, Illinois, this 9<sup>th</sup> day of May, 2006.

Approved by me this 9<sup>th</sup> day of May, 2006.

Ron Wooten, White County Board Chairman

ATTEST:

Paula Dozier  
White County Clerk

Mr. Ray asked who was to administer the program and Chairman Wooten replied that in the 1990 ordinance it appointed the Supervisor of Assessment to issue the permits. Mr. Ray asked Mrs. Satterfield the Supervisor of Assessments if she was aware of these duties and she stated that she was not aware her office had that responsibility. Mr. Ray asked who was to bear the cost of shooting the elevations for new construction. Chairman Wooten stated that as far as he could determine the cost would be the responsibility of the individual who was applying for the permit. Chairman Wooten explained that the floodplain management ordinance was adopted in 1989 and revised in 1990. Chairman Wooten stated that the only changes this new ordinance makes is changing language from the Illinois Department of Transportation to the Illinois Department of Natural Resources to administer the federal flood plain program in Illinois. Chairman Wooten stated that it also corrects the statutory cite from the Illinois Revised Statutes to the Illinois Compiled Statutes and basically all the rest of the ordinance is the same.

Mr. Trout made a motion to approve the updated Floodplain Ordinance, seconded by Nelson. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda is to consider the reappointment of Tim Alcorn to a three-year term as Trustee to the Little Wabash Fire Protection District. Mrs. Mitchell made a motion to reappoint Tim Alcorn to the Little Wabash Fire Protection District, seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Wooten asked the Board to consider the resignation of David Matheny from the Greater Wabash Regional Planning Commission. Mrs. Mitchell made a motion to accept the resignation of Mr. Matheny, seconded by Ray. Motion passed 5-0 on roll call vote.

Chairman Wooten asked the Board to consider the appointment of Scott Pugsley to the Greater Wabash Regional Planning Commission to fill the vacancy created by the resignation of David Matheny. Mrs. Mitchell made a motion to appoint Scott Pugsley to the Greater Wabash Regional Planning Commission to fill the vacancy created by David Matheny. Motion seconded by Trout. Motion carried 5-0 on roll call vote.

Chairman Wooten asked the Board to consider the reappointment of Harold Stahl to a two-year term on the Board of Review. The resolution for appointment is as follows:

#### **THE BOARD OF REVIEW**

**WHEREAS**, the County of White, State of Illinois, is a county under township organization having a population of less than one million, and;

**WHEREAS**, 35 ILCS 200/6-5 of the Illinois Compiled Statutes requires a county under township organization with a population of less than one million to appoint a Board of Review, and;

**NOW THEREFORE BE IT RESOLVED**, BY THE County Board of White County, State of Illinois that Harold Stahl be appointed to the Board of Review for a term beginning June 1, 2006 and ending May 30, 2008.

**ADOPTED** this 9<sup>th</sup> day of May, 2006. A.D.

MEMBERS ELECTED: FIVE

MEMBERS PRESENT: FIVE

Ron Wooten: AYE

Nancy Mitchell: AYE

Wayne Nelson: AYE

Wes Trout: AYE

Mike Ray: AYE

**APPROVED** this 9<sup>th</sup> day of May, 2006 A.D.

Ron Wooten, Chairman White County Board

**ATTEST:**

Paula Dozier, White County Clerk

Mr. Trout made a motion to reappoint Harold Stahl to a two-year term on the White County Board of Review. Motion seconded by Nelson. Motion carried 5-0 on roll call vote.

Chairman Wooten stated that the Board needed an Executive Session for the purpose of discussing personnel in the White County Ambulance Service and Litigation. Mr. Nelson made a motion to go into Executive Session, seconded by Trout. Motion passed 5-0 on roll call vote.

Mr. Nelson made a motion to come out of Executive Session, seconded by Mitchell. Motion carried 5-0 on roll call vote.

Mr. Trout made a motion to hire Lance Trousdale as Director of the White County Ambulance Service and this would be subject to 180-day probationary period. Mr. Nelson seconded the motion. Motion carried 5-0 on roll call vote.

Chairman Wooten reminded the Board that the next meeting would be held on Monday, June 12, 2006 at 9:00 a.m. in the Courtroom.

Mr. Nelson made a motion to adjourn, seconded by Mitchell. Motion passed 5-0 on roll call vote.